

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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WILLIAM ROBERT SHAW,

Plaintiff,

v.

Case No. 20-C-1544

CITY OF MILWAUKEE, et al,

Defendants.

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**ORDER**

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Plaintiff William Robert Shaw, who is representing himself, is proceeding with the following claims: (1) that defendants Thomas Wroblewski and Angela Gonzalez violated his Fourth Amendment rights when they stopped and frisked him, arrested him for homicide, and searched his vehicle on November 16, 2016; (2) that defendant Patrick Elm saw the incident and failed to intervene; and (3) that defendants City of Milwaukee, Edward Flynn, and/or the Fire and Police Commission have a custom or policy of conducting “stop-and-frisks” based on race and the defendants used this policy during the November 16 incident. Dkt. No. 10 at 4-7. Discovery closes July 6, 2021; and dispositive motions are due August 2, 2021. Dkt. No. 22.

On May 5, 2021, Shaw filed a motion to amend the complaint to add/substitute parties. Dkt. No. 28. Shaw explains that he named Wroblewski as a defendant (for claim 1) based on his belief that Wroblewski was Gonzalez’s partner. Shaw states that he recently discovered that Randy Piontkowski is Gonzalez’s real partner. He asks to substitute Piontkowski for Wroblewski with respect to claim 1. Shaw further explains that Wroblewski saw the incident and failed to intervene. Thus, he asks to add Wroblewski as a defendant for claim 2. Defendants have not responded to

Shaw's motion. For this reason and because the proposed amendments do not significantly alter the underlying factual basis of this lawsuit or delay this case, the Court will grant Shaw's motion to amend the complaint. The clerk's office is directed to detach the proposed amended complaint, *see* Dkt. No. 28-1, and file it as an amended complaint. The Court will order service of the amended complaint on Piontkowski.

Shaw also filed a motion for extension of time. Dkt. No. 30. He asks the Court to extend the discovery deadline to November 26, 2021. *Id.* Given that a new defendant has been added to the case, the Court will extend the scheduling order by three months. This amount of time is sufficient to allow Piontkowski to answer the complaint and for the parties to conduct limited discovery. As noted above, the underlying factual basis of this lawsuit has not significantly changed; thus, any additional discovery should be fairly limited.

**IT IS ORDERED** that the plaintiff's motion to amend the complaint to add/substitute parties (Dkt. No. 28) is **GRANTED**. The clerk's office is directed to detach the proposed amended complaint, *see* Dkt. No. 28-1, and file it as an amended complaint.

The Court finds that the plaintiff may proceed with the following claims: (1) that defendants Randy Piontkowski and Angela Gonzalez violated his Fourth Amendment rights when they stopped and frisked him, arrested him for homicide, and searched his vehicle on November 16, 2016; (2) that defendants Thomas Wroblewski and Patrick Elm saw the incident and failed to intervene; and (3) that defendants City of Milwaukee, Edward Flynn, and/or the Fire and Police Commission have a custom or policy of conducting "stop-and-frisks" based on race and the defendants used this policy during the November 16 incident.

**IT IS ORDERED** that the plaintiff's motion for extension of time (Dkt. No. 30) is **GRANTED**. The discovery deadline is extended to **October 6, 2021**; and the dispositive motions deadline is extended to **November 8, 2021**.

**IT IS ORDERED** that the United States Marshal shall serve a copy of the amended complaint and this order upon Randy Piontkowski pursuant to Federal Rule of Civil Procedure 4. The plaintiff is advised that Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. §1921(a). The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28 C.F.R. §§0.114(a)(2)–(3). Although Congress requires the Court to order service by the U.S. Marshals Service precisely because *in forma pauperis* plaintiffs are indigent, it has not made any provision for these fees to be waived either by the Court or by the U.S. Marshals Service. The Court is not involved in the collection of the fee.

**IT IS ORDERED** that Randy Piontkowski shall file a responsive pleading to the complaint.

Dated at Green Bay, Wisconsin this 28th day of May, 2021.

s/ William C. Griesbach  
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William C. Griesbach, District Judge  
United States District Court